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Resolution adopted by the General Assembly on 18 December 2013

[*on the report of the Third Committee (A/68/456/Add.3)*]

68/183. Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3] and recalling the concluding observations of the treaty-monitoring bodies under the four treaties,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 67/181 of 20 December 2012 and Council resolution 22/13 of 21 March 2013,[4] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Welcoming the establishment of the commission of inquiry by the Human Rights Council in its resolution 22/13, taking note of its initial oral report to the Council in September 2013 and to the General Assembly in October 2013, and commending its methodology of conducting public hearings with witnesses, while regretting that the commission has received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country,

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[1] See resolution 2200 A (XXI), annex.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vol. 1249, No. 20378.

[4] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

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Acknowledging the participation of the Democratic People's Republic of Korea in the universal periodic review process, expressing serious concern at the continued refusal of the Government of the Democratic People's Republic of Korea to articulate its position as to which recommendations included in the outcome report of its universal periodic review,[5] adopted in March 2010, enjoy its support, and regretting the continuing lack of action by the Democratic People's Republic of Korea to implement the recommendations contained in the report,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting also the cooperation established between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations for the purpose of conducting a crop and food security assessment, as well as the letter of understanding signed with the World Food Programme, recognizing improvements in access by the World Food Programme, emphasizing the importance of providing further access to all United Nations entities, while supporting the establishment, implementation and monitoring of joint projects with other international agencies and organizations aiming to increase the synergy of food and non-food assistance, and noting also with appreciation the work of international aid operators in the areas of humanitarian and food assistance,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[6] regretting that he still has not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 67/181,[7]

Noting with appreciation the recent signature of the Convention on the Rights of Persons with Disabilities[8] by the Democratic People's Republic of Korea, encouraging the Government to take speedy steps to ratify the Convention, and urging the Government to fully respect the rights of persons with disabilities,

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Noting with regret that the reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people, has been

[5] A/HRC/13/13.

[6] A/68/319.

[7] A/68/392.

[8] United Nations, *Treaty Series*, vol. 2515, No. 44910.

halted, and hoping that it will be resumed as early as possible and that necessary arrangements for further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

Deeply concerned at the significant persistent deterioration of the human rights situation in the Democratic People's Republic of Korea,

1. *Expresses its very serious concern* at:

(*a*) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions and where alarming violations of human rights are perpetrated, and in this regard strongly urges the Democratic People's Republic of Korea to immediately end this practice and to release all political prisoners unconditionally and without any delay;

(iii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[9] and the 1967 Protocol thereto[10] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution, torture and imprisonment of individuals exercising

[9] Ibid., vol. 189, No. 2545.

[10] Ibid., vol. 606, No. 8791.

their freedom of opinion and expression, religion or belief, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vii) Continuing violations of the human rights and fundamental freedoms of women, in particular the creation of internal conditions that force women to leave the country and risk falling victim to trafficking for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence and continuing impunity for such violence;

(viii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially in the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(*b*) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the mandate of the commission of inquiry or to extend cooperation to the Special Rapporteur and the commission of inquiry;

(*c*) The continued refusal of the Government of the Democratic People's Republic of Korea to articulate which recommendations enjoyed its support following its universal periodic review by the Human Rights Council or to express its commitment to their implementation, and expresses its serious concern at the lack of action taken to date to implement the recommendations contained in the final outcome;[5]

2. *Underscores its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violate the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of

Korea urgently to resolve those questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant women, infants and children and the elderly, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

4. *Commends* the Special Rapporteur and the commission of inquiry for the activities undertaken so far and for their continued efforts in the conduct of their mandates despite the denial of access;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(*a*) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the United Nations special procedures and treaty bodies;

(*b*) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(*c*) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims;

(*d*) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(*e*) To extend its full cooperation to the Special Rapporteur and the commission of inquiry, including by granting them full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(*f*) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and to strive to implement the

recommendations made in the universal periodic review by the Human Rights Council;

(*g*) To engage in cooperation with the International Labour Organization;

(*h*) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(*i*) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement more effective food security policies, including through sustainable agriculture, sound food production distribution measures and by allocating more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(*j*) To further improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including accelerating progress towards the achievement of the Millennium Development Goals, in accordance with international monitoring and evaluation procedures;

(*k*) To consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-ninth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the outcome of and follow-up to the work of the commission of inquiry, in line with any decisions of the Human Rights Council at its twenty-fifth session.

70th plenary meeting
18 December 2013